



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department (Board) of Juvenile Justice
<b>VAC Chapter Number:</b>	6 VAC 35-160
<b>Regulation Title:</b>	Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System
<b>Action Title:</b>	Originate
<b>Date:</b>	6 /26 / 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The regulation is intended to establish standards governing the form and content of juvenile record information submitted to the Virginia Juvenile Justice Information System; ensure the integrity of the data; protect the confidentiality of the juvenile record information, and govern the dissemination of information in accordance with law.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

Code of Virginia § 16.1-223 (B) leaves no discretion in its requirement that "the State Board of Juvenile Justice shall promulgate regulations governing the security and confidentiality of the data submission [to the Virginia Juvenile Justice Information System]."

The Board of Juvenile Justice has the general authority, under Code of Virginia § 66-10 (6), "to promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

The regulation will establish standards for collecting and disseminating juvenile record information, including guidelines for sharing information among agencies in the juvenile justice system. The regulation also will establish standards for the operation and security of an electronic network that will make juvenile record information available to such agencies. There are to be guidelines for releasing juvenile record information to individuals who are the subject of such records and to agencies and individuals that are treating or supervising juveniles who have come before the court, or who have a legitimate interest in the case. The regulation sets standards for ensuring the accuracy and timely submission of juvenile record information, and for correcting errors. The Department already has begun to solicit suggestions from interested parties and advocacy groups concerning the main themes and key provisions of such a regulation.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

The Department has developed guidelines for sharing information with other agencies in the juvenile justice system, and has required written agreements from individuals and agencies that have access to juvenile record information. However, these procedural safeguards do not have the force of regulation.

Inasmuch as the regulation is mandated by law, the regulation will incorporate the best current practices identified in the departmental guidelines, including requirements for written agreements by participating agencies. The regulation also gives the Department an additional basis for requiring certain security measures to protect the confidentiality of information and the integrity of computer systems that are used to communicate the data.

**Family Impact Statement**

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The regulation will have a neutral effect on the institution of the family. There are provisions in the regulation for parents or guardians to request juvenile record information, but these provisions implement parental rights that are already embodied in law.